

Notice of Allowability

Application No.

10/075,940

Examiner

Judson H. Jones

Applicant(s)

BROWN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1,3-12 and 14-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 032406
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other IDS 042706.

DETAILED ACTION

Allowable Subject Matter

Claims 1, 3-12 and 14-22 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or teach a movable member with a magnetic element and a bearing surface combined with fixed member with a stator coil and a bearing seat where there is an air gap between the fixed and movable members and where a clamping force urges the bearing surface into contact with the bearing seat in combination with the other features of claims 1 and 12. The prior art of record does not disclose or teach a movable member with a magnetic element and a bearing surface combined with fixed member with a stator coil and a bearing seat where there is an air gap between the fixed and movable members and where the movable member is received through a first side of the fixed member and is accessible through a second side of the fixed member in combination with the other features of claim 18.

Japanese reference 07-204955 discloses a fixed member with a magnet and a coil. Hirose 6,249,367, which is the English equivalent of Japanese reference 2000-081588, discloses a fixed member with a stator coil and a movable member with a magnet along with the bearing surface and seat but does not disclose a clamping force that urges the bearing surface into contact with the bearing seat. See Hirose column 4 lines 54-67. Japanese reference H8-82757 has the fixed member with the stator coil and the movable member with the magnet but does not disclose a bearing seat on the fixed member. In the '757 reference there is a pin 4 which serves as a pivot as shown in figure 1. The surface of the pin could be considered a bearing surface but the clamping force is leaf spring 7 as shown in figure 8. Schleimann-Jensen et al., which is the English

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equivalent of Japanese reference 01-500772, discloses a magnet on the movable member and a coil on the fixed member but does not disclose a clamping force. See Schleimann-Jensen et al. column 4 lines 21-22.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Markle 5,040,882 teaches a magnetic clamping force in column 6 lines 1-9. However both Hirose and Shleimann-Jensen et al. both explicitly teach that there is no contact between the fixed and movable members. No reason has been found for combining the clamping force of Markle with the devices of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H. Jones whose telephone number is 571-272-2025. The examiner can normally be reached on 8-4:30 M-F.

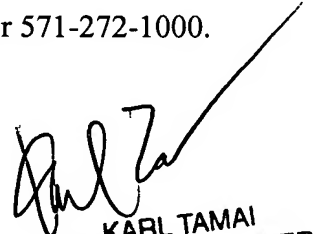
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Judson H. Jones 6/27/2006



KARL TAMAI
PRIMARY EXAMINER